IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 8TH DECEMBER 2006 / 17TH AGRAHAYANA 1928

Bail Appl..No. 7284 of 2006()

CC.9/2001 of J.M.F.C., MANNARKAD

.....

PETITIONER/ACCUSED

HASAN, S/O.HAMZA,
THALIKUTHEL HOUSE, VAZHEMPURAM,
PONNAMKODE, MANNARKKAD, PALAKKAD.

BY ADV. SRI.SAJAN VARGHEESE K.
SRI.LIJU. M.P

RESPONDENTS: NON-PARTY

STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

B.A.No.7284 OF 2006

DATED THIS THE 8TH DAY OF DECEMBER, 2006

O R D E R

Petitioner, who is the sole accused in C.C.9/01 on the file of J.F.C.M., Mannarkkad for an offence punishable under section 138 of the Negotiable Instruments Act, 1881, seeks anticipatory bail.

2. Admittedly, consequent on the non-appearance of the petitioner before the trial court, non-bailable warrant of arrest is pending against him. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. But at the same time the petitioner ought to be given an opportunity to seek regular bail from the trial court. Accordingly, if the petitioner surrenders before the Magistrate concerned and files an application for regular bail, within one week from today, the same shall be considered and disposed of, preferably on the same date on which it is filed after examining the explanation offered by the petitioner for his previous non-appearance.

With the above direction, this petition is dismissed.

V.RAMKUMAR, JUDGE

dsn